

Appl. No. : 10/684,313  
Filed : October 13, 2003

### REMARKS

#### A. Introduction

Applicant has amended the specification to correct typographical errors. Applicants submit that the replacement paragraph 0006 provided above adds no new matter to the application.

Applicant respectfully requests reconsideration and allowance of this application. Claims 1-16 are pending in the application. Applicant submits that this application is in condition for allowance, and Applicant earnestly requests such action. Below, Applicant addresses each of the Examiner's rejections.

#### B. 102(e) Rejection of Claims 1-16 Over Ortega

In the Office Action mailed April 17, 2006 ("Office Action"); the Examiner rejected Claims 1-16 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,606,619 to Ortega et al. ("Ortega"). (Office Action at 2.) Applicant respectfully submits that each of these claims is allowable over Ortega.

As discussed during the Examiner interview, the anticipation rejections are improper because Ortega does not disclose all of the limitations of any independent claim. For example, with respect to independent Claim 1, Ortega does not disclose the limitations "evaluating differences between the individual user history scores and the collective user history scores to generate a relative preference profile for the user, wherein the relative preference profile comprises relative preference scores for specific item categories, said relative preference scores reflecting a degree to which the user's predicted affinity for a category differs from the predicted affinity of the user population for that category." In the Office Action, the Examiner asserts that Ortega discloses these limitations at col. 15, line 55 through col. 16, line 4. (See Office Action at 3.) To the contrary, as discussed during the Examiner interview, Ortega does not disclose those limitations.

As another example, regarding independent Claim 11, Ortega does not disclose the limitations "dividing said total amount of credit by the number of ancestor nodes of the selected item to determine an amount of credit per ancestor to be distributed for the selection event." In the Office Action, the Examiner asserts that Ortega discloses these limitations at Table 8 and col.

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15, lines 27-34. (*See* Office Action at 5.) To the contrary, as discussed during the Examiner interview, Ortega does not disclose those limitations.

As another example, regarding independent Claim 15, Ortega does not disclose the limitations “an analysis module which analyzes at least the item selection histories to predict user affinities for specific item categories of the browse tree, wherein the analysis module additionally generates a relative preference profile for a given user by calculating differences between the user’s predicted affinities for specific item categories of the browse tree and the population’s predicted affinities for said item categories.” In the Office Action, the Examiner asserts that Ortega discloses these limitations at Figure 2 reference 280 and col. 10, lines 21-31. (*See* Office Action at 6.) To the contrary, as discussed during the Examiner interview, Ortega does not disclose those limitations.

The independent claims also recite additional limitations that provide additional distinctions over Ortega.

Furthermore, Claims 2-10 are dependent claims that depend either directly or indirectly from Claim 1. Claims 12-14 are dependent claims that depend from Claim 11. Claim 16 is a dependent claim that depends from Claim 15. As such, the rejection of these dependent claims as anticipated by Ortega is improper for at least the same reasons provided above for the three independent claims. In addition, at least some of these dependent claims recite limitations that provide additional distinctions over Ortega.

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C. Conclusion

In view of the foregoing remarks, Applicant submits that Claims 1-16 are each patentably distinct from the applied reference, and requests that the rejection of these claims be withdrawn.

Applicant reserves the right to swear behind the applied reference in response to a subsequent Office Action.

If any issues remain in the present application, the Examiner is requested to call the undersigned representative at his direct dial number of 949-721-6334.

Respectfully submitted,

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